



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,600	09/28/2001	Mihoko Kawahara	826.1761	2413

21171 7590 06/18/2007  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
----------

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

MAIL DATE	DELIVERY MODE
-----------	---------------

06/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/964,600	<b>Applicant(s)</b> KAWAHARA ET AL.	
	<b>Examiner</b> DANIEL LASTRA	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,14,16 and 19-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,14,16 and 19-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1 and 13-37 have been examined. Application 09/964,600 (PORTABLE TERMINAL DEVICE FOR PROVIDING AND OBTAINING ADVERTISEMENT INFORMATION, ADVERTISEMENT PROVIDING METHOD, ADVERTISEMENT OBTAINING METHOD, ADVERTISEMENT DISTRIBUTING METHOD AND PROGRAM THEREFOR) has a filing date 09/28/2001 and foreign priority 06/04/2001.

### ***Response to Amendment***

2. In response to Final Rejection filed 01/10/2007, the Applicant filed an RCE on 04/10/2007, which amended claims 1, 14, 16, 19, 20, 22-37 and cancel claims 13, 15, 17 and 18.

### ***Claim Objections***

3. Claim 24 is objected to because of the following informalities: Said claim recites "terminal device of the when a request", where the amendment deleted the term "consumer". Claim 36 is incorrectly title "currently amended". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 13-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 14 recite "*receiving, by the server,*

*user-specified information about an advertisement medium person having goods on or with and a retrieval condition of goods from a portable terminal device of a consumer through a network".* Said limitation is indefinite because it is not clear if the server or the consumer is doing the receiving. Claim 1 recites "*specifying, by the server, the advertisement medium person corresponding to the received user-specified information based on user specified information of a plurality of advertisement medium persons stored in a storage device in advance*". Said limitation is indefinite because it seems to say that a person is stored in a storage device. Said claim recites "*and retrieving, from the advertising information of a plurality of goods stored in the storage device, advertising information of goods corresponding to the retrieval condition among goods associated with the specified advertisement medium person; and distributing the advertising information obtained by said retrieving to the portable terminal device of the consumer via the network; wherein the advertising distributing method is used with an advertising providing system having a portable terminal device of the advertisement medium person having the goods on or with, and the portable terminal device of the consumer receiving advertising information connected to the server via the network*". Said limitation is indefinite because it is not clear how the advertising information is obtained. Is it obtained from the server, or from a portable terminal of person? Claims 20 and 22 are indefinite because it is not clear where the accepting and storing is performed. Said claim is also indefinite because it is not clear how the distribution of the advertisement is done. Is it from a portable terminal of a consumer to a portable terminal of another person or is it from a server to a consumer's personal device?

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 13-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pradhan (US 2002/0160759).

As per claim 1, Pradhan teaches:

An advertisement *distributing* method of a server providing advertising information, comprising:

*receiving, by the server, user-specified information about an advertisement medium person having goods on or with and a retrieval condition of goods from a portable terminal device of a consumer through a network (see paragraphs 90 and 120);*

*specifying, by the server, the advertisement medium person corresponding to the received user-specified information based on user specified information of a plurality of advertisement medium persons stored in a storage device in advance, and retrieving, from the advertising information of a plurality of goods stored in the storage device, advertising information of goods corresponding to the retrieval condition among goods*

*associated with the specified advertisement medium person (see paragraphs 105-108, 120-123); and*

*distributing the advertising information obtained by said retrieving to the portable terminal device of the consumer via the network (see paragraph 7); wherein the advertising distributing method is used with an advertising providing system having a portable terminal device of the advertisement medium person having the goods on or with (see paragraph 106, 123), and the portable terminal device of the consumer receiving advertising information connected to the server via the network (see paragraph 7).*

As per claim 14, Pradhan teaches:

A computer-executable program for realizing operations, comprising:

*receiving, by the server, user-specified information about an advertisement medium person having goods on or with a retrieval condition of goods from a portable terminal device of a consumer through a network (see paragraphs 90 and 120);*

*specifying, by the server, the advertisement medium person corresponding to the received user-specified information based on user specified information of a plurality of advertisement medium persons stored in a storage device in advance, and retrieving, from the advertising information of a plurality of goods stored in the storage device, advertising information of goods corresponding to the retrieval condition among goods associated with the specified advertisement medium person (see paragraphs 105-108 and 120-123); and*

*distributing the advertising information obtained by said retrieving to the portable terminal device of the consumer via the network; wherein the advertising distributing method is used with an advertising providing system having a portable terminal device of the advertisement medium person having the goods on or with (see paragraphs 106 and 123), and the portable terminal device of the consumer receiving advertising information connected to the server via the network (see paragraph 7).*

As per claim 16, Pradhan teaches:

The advertisement distributing method of *claim 1*, comprising:

receiving a user entry of the person *having the goods on or with* (see paragraph 99) and

distributing the advertising information about the goods *obtained by said retrieving* to a portable terminal device of person (see paragraph 99), and

requesting transmission of the advertising information or transmitting the advertising information between the portable terminal device of the person and the portable terminal device of the consumer (see figure 1).

As per claim 19, Pradhan teaches:

The method according to claim 1, wherein said user information comprises user-specified information, information designating whether or not an advertisement can be distributed, a term of distribution, and information designating access destination for advertising information (see paragraph 7).

As per claim 20, Pradhan teaches:

An advertisement distributing method, comprising:

storing advertising information (see paragraph 7);

accepting user entry of *an advertisement medium person having goods on or with the person* (see paragraph 99);

storing user-specified information and a profile about the person, and advertisement specified information for designation of advertising information about the goods the person *has on or with* (see paragraphs 99, 106, 123);

*receiving user-specified information and/or a profile from a portable terminal device of a consumer* (see paragraph 7); and

*identifying the advertisement medium person having a matching or similar profile to the profile specified by the consumer based on user specified information of a plurality of advertisement medium persons and profiles of said persons stored in advance, and retrieving advertising information of goods associated with the person* (see paragraph 90); *and distributing the advertising information of goods retrieved to the portable terminal device of the consumer when a request to view an advertisement with the user specified information and the profile of the person specified by the consumer is received from the portable terminal device of the consumer* (see paragraph 106) and

*wherein the advertisement distributing method is used with an advertising providing system having a portable terminal device of the advertisement medium person having the goods on or with, and the portable terminal device of the consumer receiving advertising information connected to a server via a network* (see figure 1).

As per claim 21, Pradhan teaches:



The method according to claim 20, wherein a profile matching or similar to the profile of an advertisement medium specified by the consumer is retrieved (see paragraph 99-100);

advertisement specified information stored as associated with the advertisement medium having matching or similar profile specified by the consumer is obtained (see paragraphs 99-102); and

advertising information specified by the obtained advertisement specified information is retrieved, and the advertising information obtained by the retrieval is distributed to the portable terminal device of the consumer (see paragraphs 99-104).

As per claim 22, Pradhan teaches:

A advertisement distributing method, 15 comprising:

storing advertising information (see paragraph 7);

accepting a user entry of a *an advertisement medium person having goods on or with*, and storing user-specified information about the person who has gained the user entry, goods specified information designating goods the person *has on or with*, user-specified information about a consumer who has gained the user entry, and a profile of the consumer (see paragraphs 99-104);

*receiving user-specified information, the profile of the consumer and a retrieval condition of goods from a portable terminal device of the consumer* (see paragraphs 99-104);

*identifying the advertisement medium person corresponding to the received user-specified information, and retrieving advertising information of goods corresponding to*

*the retrieval condition among goods associated with the advertisement medium person identified and the profile of the consumer (see paragraphs 99-104);*

obtaining advertising information matching the profile of the consumer based on the retrieval result (see paragraph 115); and

distributing the obtained advertising information to the portable terminal device of a consumer (see figure 1) and

*wherein the advertisement distributing method is used with an advertising providing system having a portable terminal device of the advertisement medium person having the goods on or with, and the portable terminal device of the consumer receiving advertising information connected to a server via a network (see figure 1).*

As per claim 23, Pradhan teaches:

An advertisement distribution system, comprising:

an advertisement storage unit storing advertising information (see paragraph 7);

an entry unit accepting a user entry of *an advertisement medium person* having goods *on or with* (see paragraph 106);

*a server receiving user-specified information about the advertisement medium person and a retrieval condition of goods from a portable terminal device of a consumer (see paragraphs 46-48);*

an advertisement distribution unit distributing advertising information about the goods to a portable terminal device of the person who has gained the user entry (see paragraphs 105-106); and

a retrieval/distribution unit retrieving a corresponding advertising information from said advertisement storage unit *corresponding to the retrieval condition among goods associated with the advertisement medium person*, and distributing the advertising information to the portable terminal device of the consumer (see paragraph 7) and

*wherein the server specifies the advertisement medium person corresponding to the received user-specified information among user specified information of a plurality of advertisement medium persons stored in a storage device in advance* (see paragraph 7).

As per claim 24, Pradhan teaches:

An advertisement distribution system, comprising:

an advertisement storage unit storing advertising information (see paragraph 7);

an entry unit accepting a user entry of a an advertisement medium *person having goods on or with* (see paragraph 99);

a user information storage unit storing a profile and user-specified information about the person who has gained the user entry (see paragraph 99),

and advertisement information about the goods the person *has on or with* (see paragraph 99-104); and

a server retrieving the advertisement medium *person* having a matching or similar profile to a profile specified by a consumer from said user information storage unit and distributing advertising information of goods *associated with the person* to a portable terminal device of the consumer when a request to view an advertisement with user specified information and the profile of the advertisement medium *person* specified

Art Unit: 3622

by the consumer is received from the portable terminal device of the consumer (see paragraphs 46-48) and

*wherein the advertisement distributing system is used with the advertising providing system having the portable terminal device of the advertisement medium person having the goods on or with, and the portable terminal device of the consumer receiving advertising information connected to the server via the network (see figure 1).*

As per claim 25, Pradhan teaches:

A system comprising:

a first portable device allowing an advertiser to enter and store advertising information therein and allowing the advertiser to wirelessly transmit the advertising information responsive to a request (see paragraph 115)

*said advertiser being in possession of goods identified in the advertising information corresponds (see paragraphs 105-106); and*

a second portable device allowing a consumer to wirelessly request the advertising information stored in the first portable device *by inputting user-specified information and a retrieval condition* and displaying advertising information *corresponding to the retrieval condition via the second portable device upon wirelessly receiving the advertising information from the first portable device (see figure 1).*

As per claim 26, Pradhan teaches:

An advertising information delivery method for use with a server device, comprising:

receiving from a portable terminal device of a consumer via a network a reviewing request, which contains user identifying information of person *having* goods *on or with said persons* and goods search conditions (see figure 1 and paragraph 125);

determining, based on information about the person, *an advertisement medium person* having user identification information, corresponding to the received user identifying information (see paragraph 120),

finding from the storage unit, advertising information of goods conforming to the received goods search conditions among the goods *associated with the advertisement medium person* (see paragraph 120); and

delivering the found advertising information to the portable terminal device of the consumer (see paragraph 115).

As per claim 27, Pradhan teaches:

The advertising information delivery method for use with a server device and according to claim 26, wherein: the user identifying information of the plurality of said persons acting as advertisement medium is received a plurality of times (see paragraph 7);

the user identifying information which has been contained every time in the received user identifying information is determined (see paragraph 7); and

the advertising information of the goods conforming to the received goods search conditions among the goods *associated with* said person corresponding to the determined user identifying information is found (see paragraph 125).

As per claim 28, Pradhan teaches:

An advertising information acquiring method for enabling a portable terminal device of a consumer to acquire advertising information from a server device via a network, comprising:

receiving from other portable terminal devices, which are carried by persons having goods *on or with*, user identifying information of the persons (see figure 1 and paragraph 106)

obtaining an input of the consumer specifying goods search conditions (see paragraph 114);

transmitting to the server device, a reviewing request including both the user identifying information and the goods search conditions (see paragraphs 114);

*specifying, by the server device, an advertisement medium person corresponding to the received user identifying information of said persons stored in advance, and retrieving advertising information of goods corresponding to the goods search conditions (see paragraph 114); and*

*distributing the advertising information obtained by said retrieving to the portable terminal device of the consumer via the network (see paragraph 115).*

As per claim 29, Pradhan teaches:

The advertising information acquiring method according to claim 28 in which:

the user identifying information is received from the portable terminal devices a plurality of times (see paragraph 114); and

the user identifying information and goods search conditions received a plurality of times are transmitted to the server device to determine said one or more said persons (see paragraphs 114-115).

As per claim 30, Pradhan teaches:

An advertising information delivery method for use with a server device, comprising:

receiving from a portable terminal device of a consumer via a network a reviewing request, which contains user identifying information of an advertisement medium *person having goods on or with of said person* (see paragraph 120);

determining, *from stored* information containing user identifying information and *profiles of persons*, the advertisement medium *person* corresponding to the received profile among said persons and corresponding to the received user identifying information (see paragraph 120);

finding advertising information of the goods *associated with* the determined person (see paragraph 120); and

delivering the found advertising information to the portable terminal device of the consumer (see paragraph 115).

As per claim 31, Pradhan teaches:

An advertising information acquiring method for a portable terminal device of a consumer acquiring advertising information from a server device via a network comprising:

Art Unit: 3622

receiving user identification information of a plurality of persons each having goods *on or with* from a plurality of portable terminal devices carried by said persons (see paragraph 106);

obtaining an input of the consumer specifying a profile for selectively determining said persons (see paragraphs 120);

transmitting to the server device, a reviewing request including user identifying information and a profile *received from the consumer* (see paragraph 7);

determining *the advertisement medium person* corresponding to the user identifying information and the profile contained in the reviewing request among user identifying information and the profiles stored in a storage unit of the server unit (see paragraph 120);

finding advertising information of the goods *associated with* the determined persons (see paragraphs 114-115); and

acquiring the found advertising information delivered from the server device (see paragraph 114)

*and distributing the advertising information obtained by said finding to the portable terminal device of the consumer* (see paragraph 115).

As per claim 32, Pradhan teaches:

The advertising information acquiring method according to claim 31, wherein:

accepting the input of the consumer comprising the profile for specifying said persons and the goods search conditions (see paragraphs 114-115); and



transmitting the retrieving request comprises the plurality of the user identifying information, the profile and the goods search conditions to the server device (see paragraphs 114-115).

As per claim 33, Pradhan teaches:

A server device for delivering advertising information of goods to a portable terminal device of a consumer via a network, comprising:

a receiving unit receiving from the portable terminal device of the consumer, a reviewing request, includes user identifying information of persons having goods *on or with* and goods search conditions (see paragraphs 105-106);

a searching unit determining, *from* information stored in a storage unit and containing user identifying information of *plurality of persons* (see paragraph 114), an advertisement medium *person* corresponding to the received user identifying information, and finding, from the storage unit, advertising information of the goods conforming to the received goods search conditions among the goods *associated with* the determined person (see paragraph 114); and

a delivery unit delivering the found advertising information to the portable terminal device of the consumer *via a network* (see paragraph 115).

As per claim 34, Pradhan teaches:

The server advice according to claim 33, wherein:

the receiver unit receives the user identifying information every time when the user identifying information being received by the portable terminal device of the consumer a plurality of times (see paragraph 120); and

the searching unit determines the user identifying information contained every time among the user identifying information received a plurality of times by the receiver unit and finding the advertising information of the goods conforming to the received goods search conditions among the goods *associated with* said person corresponding to the determined the user identifying information (see paragraphs 114-115).

As per claim 35, Pradhan teaches:

A server device for delivering advertising information of goods to a portable terminal device of a consumer via a network, comprising:

a receiver unit receiving from the portable terminal device of the consumer (see figure 1),

*user-specified information about an advertisement medium person having goods on or with and a retrieval condition of goods* (see paragraph 120);

a searching unit determining, based on *user-specified information of stored in advance*, a person conforming to the *user-specified information received among the user-specified information* of said persons and searching, from a storage unit, advertising information of goods *associated with* the determined person (see paragraph 120); and

a delivery unit delivering the advertising information *resulting from said searching* to the portable terminal device of the consumer (see paragraph 114).

As per claim 36, Pradhan teaches:

The server device according to claim 35, wherein

said portable terminal device has functions of performing wireless communications with a wireless base station in a portable telephone network, and performing wireless communications with the portable terminal device of the consumer (see figure 1).

As per claim 37, Pradhan teaches:

A method of providing advertisement, comprising:

storing a predetermined advertisement on a portable terminal of a first user, said predetermined advertisement being transmitted from a provider of a product *and identifying the product* (see paragraph 114);

*receiving user-specified information of the first user including a retrieval condition from a second user* (see paragraph 7); and

retrieving said advertisement from the portable terminal of the first user responsive to *receipt of the user-specified information and said retrieval condition* from the second user and transmitting said advertisement to a device of the second user, thereby enabling the first user to provide said advertisement on behalf of the provider of the product (see paragraphs 105-106).

### **Response to Arguments**

6. Applicant's arguments with respect to claims 1 and 13-37 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 3622

- Anderson (US 5,857,156) teaches an embodiment where consumers obtained advertisement information from merchandise on the street or in possession of another person (see col 3, lines 35-45).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
June 7, 2007

  
RETTA YEHDEGA  
PRIMARY EXAMINER